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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,031	04/05/2001	Edward J. Boyle	40655.1000	4847

66170 7590 11/02/2007  
AMERICAN EXPRESS TRAVEL RELATED SERVICES CO., INC.  
c/o SNELL & WILMER, L.L.P.  
ONE ARIZONA CENTER  
400 E. VAN BUREN STREET  
PHOENIX, AZ 85004-2202

EXAMINER

GRAHAM, CLEMENT B

ART UNIT PAPER NUMBER

3692

NOTIFICATION DATE DELIVERY MODE

11/02/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

HSOBELMAN@SWLAW.COM  
DMIER@SWLAW.COM  
JESLICK@SWLAW.COM

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/827,031		BOYLE ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Clement B. Graham		3692	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/13/2007 has been entered.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 21-30, 32-29, are rejected under 35 U.S.C. 102(e) as being anticipated by Shoham et al (Hereinafter Shoham US Patent No 6, 584, 451).

As per 21, Shoham discloses a computer-implemented method for facilitating an auction of a travel service comprising:  
receiving, at a travel reservations database, a user profile comprising rules; storing, at said travel reservations database, a consumer itinerary comprising reserved travel arrangements with a first vendor, wherein said consumer itinerary is associated with said rules, wherein said travel reservations database comprises consumer itineraries;  
retrieving, from said travel reservations database, a subset of said consumer itineraries, wherein said subset comprises a plurality of said consumer itineraries having similar associated said rules (see 6 lines 52-57, 62-67 and column 5 lines 16-17)  
providing, via said travel reservations database, said subset to a vendor offering a travel

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service;

accepting, at said travel reservations database, a bid from said vendor to provide said travel service to consumers associated with said subset based on an ability of said vendor to accommodate within a consumer defined threshold of said rules of said subset(see 6 lines 52-57, 62-67 and column 5 lines 16-17)

verifying, at Said travel reservations database, that said bid is in accordance with said rules, confirming, at said travel reservations database, that said bid is an optimum bid; and, modifying second subset of said plurality of itineraries of said subset to include said travel arrangements with a second different vendor according to said bid~ wherein said second subset does not include said second different vendor. (see 6 lines 52-57, 62-67 and column 5 lines 16-17).

As per 22, Shoham discloses further comprising notifying, via said travel reservations database, said consumer of said optimum bid. (see 6 lines 52-57, 62-67 and column 5 lines 16-17).

As per 23, Shoham discloses wherein said confirming step comprises determining when said bid provides optimum savings for said consumer. (see 6 lines 52-57, 62-67 and column 5 lines 16-17).

As per 24, Shoham discloses wherein said verifying step comprises evaluating said bid based on a proposed price and a proposed provision of said travel service. (see 6 lines 52-57, 62-67 and column 5 lines 16-17).

As per 25, Shoham discloses wherein said storing step comprises storing in said travel reservations database a deviation to said consumer defined purchase rules. (see 6 lines 52-57, 62-67 and column 5 lines 16-17).

As per 26, Shoham discloses wherein said storing step comprises storing in said travel reservations database a restriction upon a deviation from at least one of said consumer rules and said organization rules. (see 6 lines 52-57, 62-67 and column 5 lines 16-17).

As per 27, Shoham discloses wherein said travel service comprises at least one of an airline reservation, automobile rental reservation, and hotel reservation. (see 6 lines 52-57, 62-67 and column 5 lines 16-17).

As per 28, Shoham discloses wherein said retrieving step comprises scanning said travel reservations database to determine rows of said consumer information with a similar at least one of said consumer rules and said organization rules, placing said rows of a similar at least one of said consumer rules and said organization rules into said subset, wherein said travel reservations database comprises a plurality of rows. (see 6 lines 52-57, 62-67 and column 5 lines 16-17).

As per 29, Shoham discloses wherein an individual row of said rows is placed into a plurality of said subsets. (see 6 lines 52-57, 62-67 and column 5 lines 16-17).

As per 30, Shoham discloses wherein said rows are similar when at least one of said consumer rules and said organization rules differ by less than a predetermined criteria. (see 6 lines 52-57, 62-67 and column 5 lines 16-17).

As per 32, Shoham discloses a machine-readable medium having stored thereon a plurality of instructions, said plurality of instructions when executed by a processor, cause said processor to perform a method comprising the steps of:  
receiving, at a travel reservations database, a user profile comprising rules; storing, at said travel reservations database, a consumer itinerary comprising reserved travel arrangements with a first vendor(see 6 lines 52-57, 62-67 and column 5 lines 16-17)  
wherein said consumer itinerary is associated with said rules, wherein said travel reservations database comprises -consumer itineraries;

retrieving, from said travel reservations database, a subset of said plurality consumer itineraries, wherein said subset comprises a plurality of said consumer itineraries having similar associated said rules(see 6 lines 52-57, 62-67 and column 5 lines 16-17)  
providing, via said travel reservations database, said subset to a vendor offering a travel service(see 6 lines 52-57, 62-67 and column 5 lines 16-17)  
accepting, at said travel reservations database, a bid from said vendor to provide said travel service to a-consumers associated with said subset based on an ability of said vendor to accommodate within a consumer defined threshold of said rules of said subset, verifying, at said travel reservations database, that said bid is in accordance with said rules(see 6 lines 52-57, 62-67 and column 5 lines 16-17)  
confirming, at said travel reservations database, that said bid is an optimum bid; and,

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modifying second subset of said plurality of itineraries of said subset to include said travel arrangements with a second different vendor according to said bid~ wherein said second subset does not include said second different vendor. (see 6 lines 52-57, 62-67 and column 5 lines 16-17).

As per 33, Shoham discloses wherein said consumer rules include at least two of price, scheduling preferences, departure airport, destination airport, departure date, departure time, arrival data, arrival time, seating preferences, and special accommodations. (see 6 lines 52-57, 62-67 and column 5 lines 16-17).

As per 34, Shoham discloses wherein said organization rules include restrictions relating to at least two of price, scheduling preferences, departure airport, destination airport, departure date, departure time, arrival data, arrival time, seating preferences, and special accommodations. (see 6 lines 52-57, 62-67 and column 5 lines 16-17).

As per 35, Shoham discloses wherein said rules are defined by a consumer(see 6 lines 52-57, 62-67 and column 5 lines 16-17).

As per 36, Shoham discloses wherein said User profile further comprises an organization profile comprising organization rules defined by an organization. (see 6 lines 52-57, 62-67 and column 5 lines 16-17).

As per 37, Shoham discloses wherein reserved travel arrangements comprise at least one of contractually obligated and booked travel reservations. (see 6 lines 52-57, 62-67 and column 5 lines 16-17).

As per 38, Shoham discloses wherein said second different vendor more closely matches said rules. (see 6 lines 52-57, 62-67 and column 5 lines 16-17).

As per 39, Shoham discloses wherein said second subset of said plurality of itineraries of said subset is not modified when said second different vendor does not provide said optimum bid. (see 6 lines 52-57, 62-67 and column 5 lines 16-17).

### **Conclusion**

4. Applicant's argument's filed 7/12/2007 has been fully considered but they are moot in view of new grounds of rejection.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 703-305-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

OCT 15, 2007

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
*Art 3692*